

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1425 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PRAKASHCHANDRA KHIMJIBHAI PARMAR

Versus

SUPERINTENDING ENGINEER

Appearance:

1. Special Civil Application No. 1425 of 1986
MR TV SHAH for Petitioner
SERVED for Respondent No. 1
MR MD PANDYA for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 31/07/96

ORAL JUDGEMENT

None appears. The petitioner in this petition is seeking an employment as helper in the respondent Board on the strength of apprenticeship done by him under the

respondent Board. The facts leading to the present petition are as under :

2. The petitioner had passed Standard - XII Examination in the year 1984 and he also acquired licence of wireman apprentice in the lineman trade. After successfully undergoing apprenticeship under the Board, the petitioner was appointed on 18.5.85 as work charge helper for a period of one month. However, he was continued as temporary worker till 19th July, 1985. The petitioner in this petition has claimed that the office order dated 26th October, 1983 contains provisions regarding method of recruitment of technical trade apprentices and absorption of against the available regular vacancies. The first part of the order deals with the selection of candidates for appointment as apprentices in technical trade. The second part of the said order starting from paragraph 12 contains provisions regarding absorption of apprentices in regular establishment. Paragraph 12 provides that after a candidate completes his apprenticeship satisfactorily, he may be brought on select list which will remain operative perpetually and will have names of apprentices arranged in order of seniority. Paragraph 13 provides that the appointment orders shall be issued serially from the select list by the competent authority in respect of circles and the candidates after appointment will be borne on the cadre of respective circles. Their seniority will be maintained according to the date of joining duty. Relying on the aforesaid provisions, the petitioner has claimed appointment in the respondent Board.

The Board has contested the petition by filing its counter affidavit made by the In-charge Establishment superintendent, ES, Veraval. In para 5 of the affidavit, it has been stated that the appointments from amongst the apprentices is not the only mode of recruitment of the service under the respondent Board. It is just one of the modes of recruitment of service under the Board. It has been stated in the affidavit that under GSO NO. 259, the dependents of the employees of the Board are also required to be offered employment in the Board. It is further stated that in view of the settlement arrived at with different unions, the Board has issued circular no. 446. Under the said circular, persons who are working on supernumerary posts are required to be absorbed on the regular establishment. It is further stated that from amongst the aforesaid three modes of recruitment, first preference is granted to the dependents of the employees of the Board. Second preference is granted to the

supernumerary workers who are required to be absorbed on the regular establishment under the establishment circular no. 446 and the remaining vacancies are filled in by appointment of apprentices from the select list maintained by the concerned division. It has been emphasized that the seniority of the helpers is being maintained division wise and not circle wise as is averred by the petitioner. Thus, apprentice can be appointed only in the division in which he was appointed as apprentice in lineman trade awaiting employment under the respondent Board. It is stated that such persons who are still waiting are far senior to the petitioner and the petitioner cannot be offered employment in supersession of such senior apprentices.

Considering the above facts, in my view, no right to employment has accrued in favour of the petitioner herein on account of his temporary service as work charge helper for a period of two months in the year 1985. The petitioner has not acquired any right to employment under the respondent Board on account of his apprenticeship under the Board. The only right that the petitioner can claim for employment in the respondent Board is on the basis of office order No. 347 referred to hereinabove. Since the petitioner has not reached his turn for being offered employment in view of his seniority on the seniority list of apprentices, relief claimed by the petitioner cannot be granted to him. The petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

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